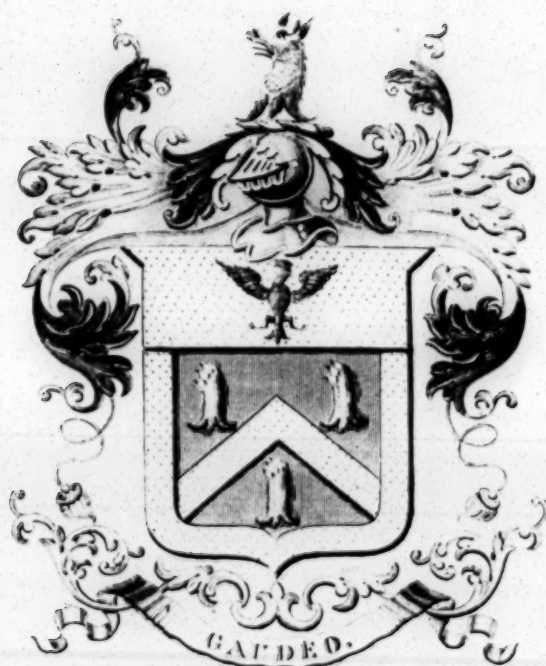


**Copied from the original in the
John Carter Brown Library**



**John Carter Brown
Library
Brown University**

**Not to be reproduced with-
out permission.**

To His Grace His Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

The humble Representation and Petition of the Council-General of the Company of Scotland, Trading to Africa and the Indies.

May it please your Grace, and Right Honourable Estates,

John Carter Brown
Library

IT is evident by the whole Strain of Three several Acts of Parliament, together with His Majesty's Letters Patent under the Great Seal of this Kingdom, in favours of the said Company, That the Wisdom of the King and Right Honourable Estates did intend, that all such Advantages as might arise by the establishing of such a Company, should be of as universally a National Concern as possible; And in order thereunto, were pleased to endow it with large Priviledges and Immunities, fureable to the Circumstances of an Infant-Company; and the Greatness of its Designs: And lest that it should fail in the Execution, for want of a sufficient Stock to carry on such an Undertaking, all imaginable Parliamentary Encouragement was given to Persons of all Ranks, Ages and Sexes, both within and without the Kingdom, whether Natives or Foreigners, to become Partners and Adventurers in the Joint-Stock of the said Company, as is singularly manifest by the 42d. Act of the 5th Session of this current Parliament, specially calculated for that end only.

Upon the publick Faith of having due Protection in the enjoyment of these unquestionable Priviledges and Immunities, as having received their Sanction from His Majesty, and the unanimous Suffrage of the Great Council of the Nation as aforesaid, many Persons of all Ranks and Degrees were thereby induced to become Adventurers in the Joint-Stock of our said Company, in so much that in a very short time, a much more considerable Stock was subscrib'd for within this Kingdom, than was ever before so much as propos'd here upon any Project whatsoever, since we were a Nation.

Being thus entred into a Society, We and our Constituents have pursuant to the intentions of the Acts of Parliament and Letters Patent above-mention'd, with much care and trouble, and a great Expense of Treasure, after having struggled with many unexpected Obstructions and Difficulties, settled a Plantation, by the Name of *Caledonia*, in one of the most Healthful, Fruitful, naturally impregnable, and every way valuable Places in all *America*, as is universally acknowledged by all Persons of Experience in such Matters, as well as by the General Consent of such as have been there: And, as a manifest proof thereof, tho' our said Plantation be settled most strictly in the terms of the Acts of Parliament and Letters patent above mentioned, yet it has raised the Jealousy of some, and Envy of others, of the most knowing and considerable Trading Nations in *Europe*.

But, to our and the Nations great Surprise, and inestimable Loss, while we were using all ordinary means and big with the hopes of riveting that Settlement upon a lasting Foundation, such was the further continued Chain of unexpected Obstructions and most unaccountable Mal-treatments that we met with, by Proclamations of a very strange Nature, and otherways, that the repeated Misfortunes following thereupon, put us under an indispenfible Necessity of humbly petitioning His Majesty for allowing the Parliament to meet at the day appointed in *November* last; in full confidence and Expectation of having the most natural and cordial Assistance from those who first established our Company, and promised it Protection; especially since all our other Applications have hitherto proved ineffectual: But a meeting of the Estates in Parliament at that time not quadrating (it would seem) with His Majesty's other Affairs, a very considerable Body of the Nobility, Gentry, and Burgeses of this Kingdom, thought fit, in a most dutiful and humble manner, by their late Address, to represent to His Majesty, how deeply they were affected with the Nation's concern in our Company's repeated Misfortunes, and therefore humbly Petitioned for the sitting of the Parliament as soon as conveniently might be. And the King having been most graciously pleased to order the Meeting of the Right Honourable Estates now in Parliament, We think our selves in all duty bound to give His Grace His Majesty's High Commissioner and the Right Honourable Estates, a short and naked Narrative of the several Obstructions, and Misfortunes that we have been all along forc'd to grapple with in the prosecution of our Company's Designs, to the end that the great Council of the Nation having a perfect View and full Knowledge of these Difficulties which we now Labour under, may be better able to judge how to apply a Remedy.

The first attempt for strengthening our Company's Interest and Stock was at *London*, where a Subscription of 300000 *sterl.* was procured in Nine days time, without so much as a publick Advertisement, and many knowing Merchants were so far convinc'd of the many Advantages that might probably arise from such a Constitution, that they signified their willingness to be concerned for Triple the Sum, if allowed: It not only did the Parliament of *England* by their Address to His Majesty of the 13th of *December* 1695. and otherways, render that Subscription ineffectual, but the House of Commons did also appoint a Committee to examine what Methods were taken for obtaining the Act of Parliament, by which our said Company is established; who were the Promoters and Advisers thereof; and did afterwards impeach the Nominees in the said Act of Parliament; notwithstanding the absolute Independency of this Kingdom:

Yet after all this Discouragement, we went on with our Subscriptions at home, and made our Effort for strengthening thereof beyond Sea, both in *Holland* and *Hamburg*: In the first of which place many eminent Merchants declared their positive inclinations to be very considerably interested with us, gave some signal Proofs thereof, till they were made to understand by Threatnings and other Insinuations that a Higher Power would make them at least very uneasy, if they persisted any further in their Resolution of being concerned with our Company.

And at *Hamburg*, where we had the most promising Hopes of foreign Assistance, the *Commerci* or Merchant-Company, entred into Contract with our Company's Deputies, to joyn at least 200000 l. Sterl. to our Company's Stock; but to our great Astonishment, His Majesty of Great Britain, Ministers there, did, under pretence of special Warrant from the King, put a full stop thereto, by giving in *A Memorial* to the Burgo-Masters and Gentlemen-Councillours of that City, wholly dis-owning the Authority of the Acts of Parliament, and Letters Patent above-mention'd, and intimating that His Majesty would regard their entring into Treaties with our Company as an Affront to His Royal Authority, and that he would not fail to resent it, as having neither Credential Letters, nor being any otherways Authoriz'd by His Majesty.

Upon notice whereof, we did in all humble Duty Address His Majesty in June 1697, for Redress of that open and bold Encroachment, upon not only our, but also the Nation's Rights, in its most fundamental Constitution, by endeavouring to subvert the Independency of its Parliamentary Laws, expressly contrary to the Law of Nations: All which His Majesty by His Royal Letter from *Flanders* in July 1697, Promised to take into Consideration, as soon as he would return into England, and that in the mean time, His Majesty would give Orders to His Ministers at *Hamburg*, not to obstruct our Company in the prosecution of its Trade with the Inhabitants of that City.

In the full Confidence of His Majesty's Royal Promise, we thought our selves secure, and took our Measures accordingly, till to our further surprize, we found by several Instances, that His Majesty's said Ministers were as wickedly bent against us as ever, and still denying that they had got any such Orders from His Majesty: whereupon the Directors of our Company, did, by their Letter of the 28 of September 1697, expostulate in the first place, with both the then Secretaries of State, about that further Disappointment, but having still no Redress therein, we did in most humble and dutiful Manner, by our second Address of the 22d. day of December 1697, lay the whole Matter again before His Majesty; And did likewise, at the same time, not only humbly Represent the Premises to His Majesty's most honourable Privy-Council, together with the train of ill Consequences that must necessarily attend such Treatment, if not prevented by an early Redress; but wrote also separatly to both the Secretaries of State, and such other Noble Persons of the Government, as happen'd to be then at *London*, To use their Joint-Interest, for procuring Justice, in a Matter of such Universal Concern to the Honour, Interest, and Independency of the whole Kingdom.

All the Answer we obtain'd, was by a Letter of the 17th. of January 1698, from both the Secretaries of State: That the King said, He had already given Orders to His Resident at *Hamburg* in that Matter, conform to His Royal Letter from *Flanders*, in July 1697, which was then communicated to the Company.

By which Answer, together with what repeated Advices we had at the same time from *Hamburg*, that the English Ministers there, had still positively disowned their having got any such Orders, we were put out of all Hopes of having any Redress, until we should have an Opportunity of laying the whole Matter before a Meeting of the Estates of Parliament.

But in the mean time we proceeded, with all the Strength we had (tho' extremely weakned by the Treatment above-narrated) to make the best Preparations we could (considering the Scarcity of these Years) for fitting out an Equipage of Ships, Men, Provisions, and other Necessaries, for settling a Plantation in *America*, in the Terms of the Acts of Parliament, and Letters Patent above-mention'd: And its evident by the very Constitutions of the Colony, that they were calculated more for the general Advantage of the Nation and Posterity, than for the particular and immediat Benefit of the Adventurers.

And the Parliament happening to meet the very next Day after our Ships had sail'd, we did, by our Humble Petition of the 22d. of July 1698, Represent to his Grace, His Majesties then High Commissioner, and the Right Honourable Estates then assembled in Parliament, the Treatment which our Company met with at *London* and *Hamburg* as aforesaid, the great Prejudices which we had sustain'd thereby, and the many further Inconveniencies and evil Consequences that must necessarily have followed thereupon, if, upon any account whatsoever, the Parliament should happen to neglect the taking immediat Cognizance of such Usage.

And the Parliament having thereupon, by their Unanimous Address of the 5th. of August 1698, to His Majesty, thought fit to manifest their own, and the whole Nations Concern in that Matter, earnestly entreating, and most assuredly expecting, That His Majesty would, in His Royal Wisdom, take such Measures, as might effectually vindicate the Undoubted Rights and Priviledges of the said Company, and support the Credit and Interest thereof; And the Parliament likewise, by the same Address, recommending the Concerns of the said Company to some special Marks of His Majesties Royal Favour, as that Branch of the Trade of this Kingdom, in which they, and the Nation they represented, had a more peculiar Interest; The Court of Directors of our Company were thereby encourag'd to renew their Application to His Majesty, with relation to the Memorial given in by His Ministers to the Senate of *Hamburg*, (the same being specially mention'd in the Parliaments Address:) And in Consideration of the Damages sustain'd by the Company, through Means of that Memorial, the Directors humbly Petition'd, that His Majesty would be pleased, for their Encouragement at that time, as a Gracious Mark of His Royal Favour, to bestow upon them the two smallest of the Frigots, then (and to this Hour) lying useles in *Antisland* Harbour.

But our Company having no manner of Answer to either of these, and being assured by several Letters from *Hamburg*, That both the English Ministers there, had positively denied their having received any such Orders, as were long before promised, and declared to have been given, with relation to that Memorial, the Court of Directors of our Company did, by their Letter of the 29th. of November 1698, transmit Copies of said Letters to the Viscount of *Seafield*, then sole Secretary of State, and entreated his Lordship, to procure some speedy and effectual Answer from His Majesty to the Contents of both that Letter, and their former Petition.

The Secretary, by his Letter of the 13th. of December 1698, returned for Answer, That he would take the first convenient Opportunity he could have, to represent that Matter to the King, but that he could not expect to have it for some time, because His Majesty was then very much employed in the Affairs of His English Parliament.

We thereupon waited a full Month, in expectation of some further Answer, but getting none, our Court of Directors did, by a Letter of the 13th. of January 1699, put the Secretary again in mind of our said Petition of preceding August, and Letter of the 29th. of November.

The Secretary, by his Letter of the 7th. of February 1699, signified, That he had presented our Company's Petition to His Majesty, and was commanded to let us know, that there being Accounts, that the Ships belonging to the Com-

pany, were arriv'd upon the Coast of America, and the particular Design not being communicated to His Majesty, He therefore delayed to give any Answer, until he should receive certain Information of their Settlement.

Tho' we could not but be surpriz'd, to find all our former Addresses and Petitions, about Matters of such weighty Concern, as are above narrated, Answered, after so long Delays, only with a seeming Charge, for not having communicated to His Majesty a thing that was never in the least demanded of us, by either the King, Parliament, Priy Council, or Ministers of State, we being limited to settle in the Terms of the Acts of Parliament, as we should be Answerable: Yet upon the very first Advice we had of our Colony's Settlement in Caledonia, we, by our Letters of the 31st of March, and 1st of April 1699, gave a very full and dutiful Account thereof to His Majesty, and to both the Secretaries of State, together with an Account of the French Designs thereabouts, and of what Import our said Settlement (if duly protected) might prove to the Interest and Security of all His Majesties Dominions, and referred the same, together with the Contents of our former Petitions, to His Majesties Royal Consideration.

About this time it was, That His Majesty was pleased to call the President of the Session, and the Advocate to Court, to the end (as we understood) that they, jointly with both the Secretaries of State, might, in a Conference with several of the English Ministers, satisfy His Majesty, as to the Legality of our Company's Settlement: Which (by all that ever we could learn) was then (and otherways since that time) made clear beyond all manner of Dispute.

But while, in the mean time, we were pawning even our own particular Credits, for sending the needful Supplies of Ships, Men, Provisions, Arms, Ammunition, and other Necessaries, for securing so valuable a Settlement to this Nation, we were astonished to have Advice, That, by Orders from England, in January 1699, Proclamations had been emitted, in the Months of April and May, over all His Majesties Plantations and Territories in America, strictly Intercommuning our Colony, under very severe Penalties to be inflicted on the Contraveeners of these Proclamations, in regard that His Majesty (as these Proclamations narrate) was unacquainted with the Intentions and Designs of the Scots settling at Darien.

As we humbly considered these Proclamations to be such, as were never before published in those parts, against any other People upon Earth, and of so Barbarous a Nature, as we thought, no Good Christians would put in Execution even against Infidels; So finding our selves unquestionably warranted by all Laws Humane and Divine, we persisted in our Endeavours for maintaining that Settlement, as hoping, that, through means thereof, this Nation might, in time, have an Opportunity of raising it self above the open Contempt, Reproach and Insults of its unkind Neighbours, and of propagating the Gospel amongst the Ignorant good Natur'd Indians of those parts.

But before our Recruits could possibly arrive at Caledonia, our Colony got certain Accounts of these Proclamations; and finding at the same time, the sad Effects thereof, by being denied any the least Help, either for Goods or Money, at Jamaica, from whence they had formerly Supplies; And that in the Proclamation issued by Sir William Beeston, Governour of that Island, he had positively declared, That by their Settlement in Darien, they had actually broken the Peace entred into with His Majesties Allies (which they believed he durst not venture to have done without a sufficient Warrant) And finding themselves thereby to be of consequence declared Pirates, without any previous Summons or Hearing, contrary to the Customs and common Usage of all Nations, even in the case of real Piracy; and founding a Belief, at the same time, on the Treatment which they knew our Company had formerly met with in Europe, without being Redress'd therein, that we were not in a Condition either to supply or protect them, they unhappily took the Alarm, under such a General Consternation, as devested them not only of all manner of patience to struggle with any Inconveniencies they lay under at the time, but also of all manner of prudence, in taking any reasonable Measures either for their own Security, or for our Company's interest. In the midst of which Confusion those of them who had any bad Designs (as we could not well suppose such a Number to be free of some) made use of these Proclamations as handles, by which to perpetrate their own several ends, and easily perswaded all the rest to leave the Settlement: Which they unadvisedly did the 20th of June last. And by that means not only have the Ships, Men & Goods, which were there at that time, been exposed to the Arbitrary will of those to whom the Execution of those Proclamations was given in Charge, but even all our subsequent Measures brought into inevitable disorder.

Upon Information of all which, we did, by our humble Petition to His Majesty of the 19th of October 1699, in all humility and earnestness, beg, That His Majesty would in His Fatherly care for the good of our Company in particular, and of the Nation in General, be graciously pleased to give some special Testimonies of His Majestys Royal Protection to our Company at that Juncture, and particularly to take off the Force and effect of those Proclamations which have been so prejudicial to us, and to signify his Royal pleasure to the Governours of his Plantations in America, that our Colony might be supplied in the common and ordinary way of Commerce as those of other Nations are; And that in the mean time His Majesty would be graciously pleased to allow the Estates of Parliament to meet at the day appointed in November last, or as soon as conveniently could be, to the end that their Advice and Assistance might be had in such a weighty and General Concern.

We likewise, by our humble Address to His Majesty's most Honourable Privy Council of the 20th of October 1699, Represented what we thought in duty and prudence necessary, with relation to the Contents of our said Petition to his Majesty, Humbly referring the whole to their Lordships most serious consideration, and praying that they would be pleased to do us all the good Offices with His Majesty that they'd think most expedient for supporting our Company and Colonys Interest; and to give him an account of our Company's hard Circumstances, and how much the Honour and Interest of the Nation stood concern'd therein.

His Majesty was graciously pleased, by His Royal Letter to us of the 2d. of November 1699, to declare that, He did very much regret the Loss which the Kingdom & the Company had lately sustain'd, That he would upon all occasions protect and encourage the Trade of the Nation, That he would take care that His Subjects of this Kingdom should have the same freedom of Trade and Commerce with his English Plantations that ever they had formerly, and that he would order the Parliament to meet, when he'd judge that the Good of the Nation would require it.

But, in some short time thereafter, while we were solacing our selves with the Hopes of having His Majesty's protection, not only as a Company established by His Royal Authority, with the Advice and Consent of Parliament, but also as Subjects, and making all the Preparations we could, to send the needful Supplies and Advices to those who were last sent for Repossessing the same Settlement: We were further astonished to have Ad-

vices that, by second Orders from *England*, another Fleece of Proclamations had been emitted over all the *English* Plantations in *America*, particularly on the 5th. of September last in *Barbados*, &c. And that in compliance with the intent of these Proclamations, Our People that went along with the *Rising-Sun*, were in November last, positively denied Wood and Water at *Monserat*, a Privilege never before denied to any other Nation: And by a Letter of the 29th. of January last from the Commander of another of our Company's Ships, we are assured that they were positively denied Anchoring at *St. Christophers* by the Governour Colonel *Norton*, who out of his own Mouth declared to the Commander of our said Ship, That he did it by new Orders which he had received about a Month before; altho at the same time two *Dutch* Ships were then Watering there; which we have since confirmed to us by Letters from Mr. *Daniel Mackay*, one of the Councillours of our Colony, dated at *Port-Royal* in *Jamaica* the 13th. February last: By which Letters, he informs us likewise, That when he waited upon the Governour of that Island, concerning our Company's Ship the *St. Andrew* lying in that Harbour, The Governour declared to him, That tho' the said Ship were fitted for going to Sea, he would not suffer her to go, without a special Order from *England* for that Effect.

We likewise humbly beg leave to inform Your Grace, and Right Honourable Estates, That amongst our Company's many other Losses and Misfortunes, a Ship called the *Dolphin*, laden with a valuable Cargo, belonging to our Company, struck Unfortunatly on a Rock, by which she sprung a Leake, and being forced to run ashore under the Walls of *Cartagena*, to escape Ship-wrack, the said Ship and Goods were by the *Spaniards* (His Majesty's Allies) violently seized and disposed of as Prize, and the Men also to the Number of 30 and a Boy, detain'd and made close Prisoners, not only contrary to the Law of Nations, (we being then in profound Peace with them) but also contrary to the express Terms of the 10. and 11. Articles of the Treaty concluded at *Madrid* the 11 Day of July 1670, between the Crowns of Great Britain and Spain.

By our dutiful Address of the 4th. of December 1699, we humbly Petition'd His Majesty, That He would be graciously pleased to take these Proceedings of the *Spaniards* into His Royal Consideration, so as that speedy and effectual Measures might be taken for the Redress of these Damages, and the freedom of these distressed Prisoners.

In Answer to which, His Majesty was graciously pleased, by His Royal Letter of the 10th. of January last to signify, That He was resolved in the Terms of the Treaties to demand from the King of Spain, that these Prisoners should be set at Liberty.

Yet some of the most considerable of these Prisoners being transported above half a Year ago to *Spain*: We have frequent Advices from them by Letters, dated in *Cadix*-Prison, That they and all the Crew have been most Barbarously used, and that they themselves are still kept close Prisoners, under very severe Treatment, Copies of which Letters we have some Months ago transmitted to the Secretaries of State.

By all which, it cannot but evidently appear to Your Grace and Right Honourable Estates, that tho' we have all along us'd our best Endeavours to wrestle through these almost unsurmountable Difficulties, and exerted even our utmost efforts for retrieving our Losses, as much as possible, by endeavouring to repossess and maintain so valuable a Settlement; And tho' we have certain Advice of its being Repossess'd by our People, and that we have taken all imaginable Measures for their present Supply: Yet we have no just ground to be fully perswaded, That unless the King and High Court of Parliament, do speedily Support, Protect, and Assist us, in the Prosecution of our Company's lawful Designs, that all our Past, Present and Future Endeavours must, to the Nations indelible Reproach and Dishonour; as well as to its and the Company's unspeakable and irreparable Loss, prove unavoidably abortive.

May it therefore please Your Grace and Right Honourable Estates, to take the several Matters Fact above-mentioned, into your most serious Consideration; To Vindicate, Support, and Protect in the Enjoyment of our lawful Privileges, both as a Company, and as Subjects of this free and independent Kingdom, to take such Measures, as You (in Your profound Wisdom) may judge most Effectual, for repairing the many Damages we have already sustain'd, and for assisting us in the further Prosecution of our Company's lawful Designs; but more especially, for the maintenance of a just Right and Title to the Settlement of CALEDONIA, and the Enjoyment of such Advantages (if duly Protected) may probably arise thereby.

Sign'd at *Edinburgh* the 16th. Day of May, 1700. In Name, Presence, and by Warrant the said Council-General by,

MARISCHALL I.P.6

John Carter Brown
Library

END